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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/337,041	06/28/1999	BUNGO SHIMADA	862.2893	8453

5514 7590 05/06/2004

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EXAMINER	
EBRAHIMI DEHKORDY, SAEID	
ART UNIT	**PAPER NUMBER**
2626	

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/337,041	SHIMADA ET AL.	
	Examiner	Art Unit	
	Saeid Ebrahimi-dehKordy	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 February 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-13 and 26-30* is/are allowed.

6)☒ Claim(s) *14-25 and 31-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JEROME GRANT II
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

Claim 1-13 and 26-30 are allowed.

The prior art of record fails to teach the collective features of the invention as it does not teach the control means is allowed to select one of the first sequence and the second sequence when abort is predicted by said prediction means and to perform the second sequence when abort is not predicted by said prediction means and wherein the controller causes said certification unit to perform the certification process when at least one of the first sequence and second sequence is performed in the first status and causes the image processing apparatus to allow the execution of the second sequence with out the performing of the certification process by said certification unit in the second status.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14-25 and 31-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Ortiz (U.S. patent 5,095,369)

Regarding claim 14-15,25,31,32 and 35 Ortiz et al disclose: An image processing apparatus comprising: a storage unit (please note Fig.2 item 56 column 4 lines 66-68 and column 5 lines 1-2) adapted to store a plurality of job data including a

first job data and a second job data input after the first job data (please note Fig.8 items 155 and 165 where jobs first and second are located column 6 lines 40-43) a print unit (please note Fig.2 item 8 column 5 lines 36-40) adapted to print job data stored in said storage unit (please note column 5 lines 36-55) a selector (please note Fig.1 item 66 the mouse which is being used to select the particular job or options, column 5 lines 20-31) adapted to select one of a first sequence for causing said print unit to start a print operation of the second job data before a print operation of the first job data is finished and second sequence for causing said print unit to start the print operation of the second job data after the print operation of the first job data is finished (please note column 9 lines 25-44 and also note column 1 lines 27-30) a controller (please note Fig.2 item 7) adapted to cause the image processing apparatus to perform the sequence selected by said selector of the first sequence and the second sequence when status of the image processing apparatus is a status in which said print unit can not finish the print operation of the first job data and to perform the second sequence of the first sequence and the second sequence when status of the image processing apparatus is a status in which said print unit can finish the print operation of the first job data (please note column 11 lines 16-67 and column 12 lines 1-5).

Regarding claim 16 Ortiz e al disclose: The method according to claim 15, wherein the image processing apparatus can print via said storage unit at least one of a job data output from a scanning unit and a job data output from a computer (please note Fig.2 item 6 the scanner which transmit the job to the printer 8 through the controller 7, column 3 lines 49-59).

Regarding claim 17 Ortiz et al disclose: The method according to claim 15, wherein the image processing apparatus has a plurality of functions including copy function for causing said print unit to print via said storage unit a job data output from a scanning unit and a print function for causing said print unit to print via said storage unit a job data output from a computer (please note column 3 lines 49-67 and column 4 lines 1-17).

Regarding claim 18 Ortiz et al disclose: The method according to claim 15, wherein the control step causes the image processing apparatus to perform the sequence selected by the instruction of the first sequence and the second sequence at least one of a case where said print unit can not finish the print operation of the first job data because of a status of the image processing apparatus related to a sheet used in the print operation of the first job data and a case where said print unit can not finish the print operation of the first job data because of a status of the image processing t apparatus related to a stack unit stacking the sheets on which the first job data is printed and a case where said print unit can not finish the print operation of the first job data because of a status of the image processing apparatus related to a stapling process to the sheets on which the first job data is printed (please note column 11 lines 16-67 and column 12 lines 1-5).

Regarding claim 19 Ortiz et al disclose: The method according to claim 15, wherein the image processing apparatus can print via said storage unit, at least one of a job data output from a scanning unit and a job data output from a computer and in said input step the instruction is input via an operating unit of the image processing

apparatus (please note Fig.2 item 6 the scanner which transmit the job to the printer 8 through the controller 7, column 3 lines 49-59).

Regarding claim 20 Ortiz et al disclose: The method according to claim 15, wherein the image processing apparatus can print, via said storage unit, at least one of a job data output from a Scanning unit and a job data output from a computer, and in said input step the instruction is input via an operating unit of the computer (please note column 3 lines 49-67 and column 4 lines 1-17).

Regarding claim 21 Ortiz et al disclose; The method according to claim 15, wherein the image processing apparatus can print via said storage unit at least one of a job data output from a scanning unit and a job data output from a computer and in said control step it is noted to an operator by an operation unit in either the image processing unit or the computer that the first job data is not able to be completely printed (please note column 8 lines 43-61).

Regarding claim 22 Ortiz et al disclose: The method according to claim 15, wherein the control step causes said print unit to start the print operation of the second job data and causes said print unit to stop the print operation of the first job data in the first sequence (please note column 11 lines 16-64).

Regarding claim 23 Ortiz et al disclose: The method according to claim 15, wherein the control step causes said print unit to start the printing operation of the first job data in the second sequence when the status of the image processing apparatus is not required for finishing a printing process of the first job data even if a problem which

interrupts the printing operation of the first data occurs in the image processing apparatus (please note column 12 lines 6-9).

Regarding claim 24 Ortiz et al disclose: The method according to claim 15, wherein said control step causes said storage unit to store the first job data which is not finished to print because of performing the first sequence and wherein an erasing process for erasing the first job data stored in said storage unit and an printing process for printing the first job data stored in said storage unit are able to be selectively performed based on an instruction from an operating unit after finishing the printing operation of the second job data (please note column 11 lines 37-62).

Regarding claim 33 Ortiz et al disclose: The method according to claim 32, wherein the image processing apparatus can print, via said storage unit at least one of a job data output from a scanning unit and a job data output from a computer wherein the control step causes the image processing apparatus to perform one of the first sequence and the second sequence based on a selection instruction input via at least one of an operation unit of the image processing apparatus and an operation unit of the image processing apparatus and an operation unit of the computer when status of the image processing apparatus is a status in which said print unit can not finish the print operation of the first job data and a plurality of job data to be printed are stored in said storage unit (please note column 11 lines 16-67 and column 12 lines 1-5).

Regarding claim 34 Ortiz et al disclose: The method according to claim 32, wherein the control step causes said print unit to start the printing operation of the first job data when a plurality of job data to be printed are not stored in said storage unit,

even if a problem which interrupts the printing operation of the first data occurs in the image processing apparatus (please note column 12 lines 6-9).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 36 is rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al (U.S. patent 6,234,597)

Regarding claim 36 Suzuki et al disclose: An image processing apparatus comprising: detection means for detecting the state of resources to be used for printing (please note column 7 lines 56-58 where the limited amount of ink remains for printing is detected) prediction means for predicting whether or not the printing of the image data is interrupted in accordance with an image data to be printed and the state of the resources detected by said detection means (please note column 7 lines 59-64 where the prediction is made to stop the printing due to the shortage of ink) and output control means for suspending a start of printing the image data and for storing the image data if the interruption is predicted by said prediction means (please note column 8 lines 16-20).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

- Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Saeid Ebrahimi-Dehkordy* whose telephone number is (703) 306-3487.

The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams, can be reached at (703) 305-4863.

Any response to this action should be mailed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

Or faxed to:

(703) 872-9306, or (703) 308-9052 (for ***formal*** communications; please mark
"EXPEDITED PROCEDURE")

Or:

(703) 306-5406 (for ***informal*** or ***draft*** communications, please label "PROPOSED" or "DRAFT")

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 305-4750.

Saeid Ebrahimi-Dehkordy
Patent Examiner
Group Art Unit 2626
April 26 2004

JEROME GRANT II
PRIMARY EXAMINER